

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NORMAN GOTCHER, JR.,

Plaintiff,

v.

HAROLD CLARKE, *et al.*,

Defendants.

CASE NO. C06-598-RSL-MJB

ORDER DENYING PLAINTIFF'S  
APPLICATION TO PROCEED  
*IN FORMA PAUPERIS*

Plaintiff is a state prisoner who is currently incarcerated at the Monroe Correctional Complex ("MCC"), Twin Rivers Unit, in Monroe, Washington. He has filed a civil rights action under 42 U.S.C. § 1983 in which he alleges that his constitutional rights to adequate medical care, to due process, and to be free from retaliation have been violated during the course of his incarceration at MCC. The Court, having reviewed plaintiff's complaint, and his application to proceed with this action *in forma pauperis* ("IFP"), does hereby find and ORDER as follows:

(1) A review of plaintiff's prior litigation in federal court reveals that plaintiff has had three lawsuits dismissed pursuant to 28 U.S.C. § 1915(g):<sup>1</sup> *Gotcher v. United Way Corp. et al.*, Case

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<sup>1</sup> Section 1915(g) was enacted as part of the 1996 Amendments to the Prison Litigation Reform Act, Pub.L. No. 104-134, 110 Stat. 1321, § 804(d) ("PLRA") and provides that:

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No. C01-5022-FDB; *Gotcher v. Bolton, et al.*, Case No. C01-5024-FDB; and, *Gotcher v. Dauth, et al.*, Case No. C01-5025-RJB. Thus, plaintiff's IFP application is barred by § 1915(g) unless he can show that he meets the exception provided by that rule, *i.e.*, he can show that he "is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). Plaintiff does not assert in his complaint that he is under imminent danger of serious physical injury, and none of the facts alleged by plaintiff in his complaint suggest that he is under imminent danger.

(2) Accordingly, plaintiff's application to proceed *in forma pauperis* is DENIED pursuant to 28 U.S.C. §1915(g). Plaintiff shall pay the filing fee (\$350.00) to the Clerk within 30 days from the date of this Order or the case shall be dismissed.

(3) The Clerk is directed to send copies of this Order to plaintiff and to Judge Benton.

DATED this 21<sup>st</sup> day of June, 2006.



Robert S. Lasnik  
United States District Judge

Recommended for Entry  
this 20th day of June, 2006

Monica J. Benton  
MONICA J. BENTON  
United States Magistrate Judge

In no event shall a prisoner bring a civil action or appeal . . . under this section if the prisoner has, on 3 or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g).

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